

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SAEED MOHAMMADI, et al.

Plaintiffs,

v.

EMC MORTGAGE CORPORATION, et al.

Defendants.

Civil Action No. 1:12-cv-00221-CMH-JFA

MOTION TO DISMISS COMPLAINT

COMES NOW Defendant Equity Trustees, LLC (“Equity”) by and through undersigned counsel, and requests that the Demurrer it previously filed in the Loudoun County Circuit Court prior to the removal of this action be treated as a Motion to Dismiss the Plaintiff’s Complaint pursuant to Fed. R. Civ. P. 12(b)(6). The Complaint filed by Plaintiffs fails to state a claim upon which relief may be granted against Equity.

WHEREFORE, for those reasons described in the previously filed Demurrer, those filed in any supporting memoranda, as well as any reasons that may be advanced at oral argument of this motion, Equity respectfully requests that the Plaintiff’s Complaint be dismissed with prejudice.

Dated: March 8, 2012

Respectfully submitted,
EQUITY TRUSTEES, LLC

By Counsel

By /s/ Allison Melton

Allison Melton (VSB No. 75192)
BWW Law Group, LLC
2020 N. 14th Street, Suite 250

Arlington, Virginia 22201
Tel: (703) 657-6440
Fax: (703) 657-6458
E-mail: Allison.Melton@bww-law.com
Counsel for Defendant Equity Trustees, LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2012, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

Christopher E. Brown
R. Michael Smith
Brown, Brown & Brown, P.C.
6269 Franconia Road
Alexandria, VA 22310
brownfirm@lawyer.com

Lesley Whitcomb Fierst
Virginia W. Hoptman
Womble Carlyle Sandridge & Rice, LLP
8065 Leesburg Pike, 4th Floor
Tysons Corner, VA 22182
lfierst@wcsr.com
vhoptman@wcsr.com

By /s/ Allison Melton

Allison Melton (VSB No. 75192)
BWW Law Group, LLC
2020 N. 14th Street, Suite 250
Arlington, Virginia 22201
Tel: (703) 657-6440
Fax: (703) 657-6458
E-mail: Allison.Melton@bww-law.com
Counsel for Defendant Equity Trustees, LLC